IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 2ND JANUARY 2007 / 12TH PAUSHA 1928

OP.No. 1074 of 2002(C)

PETITIONER:

D.SANTHA KUMARI, KUTTIYIL MADATHIL,
KARANMA P.O., OCHIRA, KOLLAM.

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENTS:
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1. **REGISTRATION INSPECTOR GENERAL,**
   THIRUVANANTHAPURAM.

2. **DISTRICT REGISTRAR(GENERAL),**
   KOLLAM.

3. **ADDITIONAL SUB REGISTRAR,**
   KARUNAGAPPALLY.

BY GOVERNMENT PLEADER SRI.BASANT BALAJI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

O.P. No. 1074 OF 2002 C

Dated this the 2nd day of January, 2007

J U D G M E N T

The petitioner is the sister of late Sivarajan. The petitioner claims that the said Sivarajan had executed a Will in her favour bequeathing properties to her before his death on 22.7.1990. In the above circumstances, the petitioner filed an application for a certified copy of the will, which according to the petitioner has been registered with the Sub Registrar, Karunagappally. However, by Ext.P9 communication, the Sub Registrar has informed the petitioner that although an inspection has been conducted for the years 1980 to 1990, no Will executed by Narayan Sivarajan has been found to exist. The petitioner is challenging the said order Ext.P9. According to the petitioner, in 1992, a partition deed has been executed without taking into account the Will by the legal heirs of deceased Sivarajan and for the purpose of discrediting the partition deed she needs a copy of the Will. She alleges that the 3rd respondent has not conducted proper search in his office to find out the Will and, therefore, the 3rd respondent is liable to be directed to produce the Will executed by deceased Sivarajan in favour of the petitioner before this court.

2. The 1st respondent has filed a counter affidavit in which it has been specifically stated that on verifying the records of the Sub Registrar office, Karunagappally from 1973 to 1990 the Will, which is said to have been registered in that Sub Registrar's office, could not be traced out in that office. In view of the said categoric averments, I do not think that the petitioner can still maintain that a Will has actually been registered in the Sub Registrar's office, Karunagappally by the deceased Sivarajan in favour of the petitioner in the absence of any material whatsoever to support her contention. That being so, I do not find any merit in the original petition and the same is accordingly dismissed.

(S. SIRI JAGAN, JUDGE)

aks

S. SIRI JAGAN , J.

OP No.1074/02 C

J U D G M E N T

2nd January, 2007